APPENDIX

In the

United States Court of Appeals

For the Seventh Circuit

SEPTEMBER TERM 1966—APRIL SESSION 1967

Nos. 15742-15745

No. 15742
UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
ROBERT WOLCOFF and SANFORD BURTON WOLCOFF,
Defendants-Appellants.

No. 15743
UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
JOHN LORUSSO,
Defendant-Appellant.

No. 15744
UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
PAT MANNO,
Defendant-Appellant.

No. 15745
UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
LARRY FREEDMAN,
Defendant-Appellant.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

JUNE 2, 1967

Before, DUFFY, *Senior Circuit Judge,* KILEY and FAIRCHILD, *Circuit Judges.*

DUFFY, *Senior Circuit Judge.* In an eleven-count indictment, all defendants were charged in Count 1 with conspiracy to defeat the Bankruptcy laws and the Mail Fraud statute in violation of 18 U.S.C. § 371; in Count 2 with the transfer and concealment of bankruptcy property in violation of 18 U.S.C. § 152, and in Counts 3 through 11 with the use of the mails in furtherance of a scheme to defraud in violation of 18 U.S.C. § 1341.

After a trial before a jury, verdicts of guilty as charged were returned as to all defendants except defendant Hartman who, on motion of the Government, was severed on the first day of the trial.

Defendant Lorusso appealed, but has since abandoned his appeal. The remainder of the defendants have urged various grounds for reversal.

In October 1962, defendant Pat Manno [also known as Pat Manning] and Burton Wolcoff decided to go into the business of selling premiums.[1] The business was called Catalog Premium Specialties [Catalog]. Richard R. Levy agreed to be a third partner in the business and put up $2,000 as his share of the investment. He later withdrew.

In late October 1962, Larry Freedman and Burton Wolcoff offered a job to Morton Hartman. Wolcoff said Freedman and he had a business called Catalog Premium Specialties in Chicago. Two weeks later Hartman went to Catalog where Pat Manno was introduced by Burt Wolcoff as his partner in Catalog.

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[1] Premiums are merchandise used by businesses as gifts to employees for making sales and as inducements to prospective customers.

Hartman agreed to work as a buyer and salesman. Wolcoff told him his duties were to telephone manufacturers, wholesalers and factory representatives listed in the yellow pages of the telephone book, and to place orders for merchandise. Hartman was told to keep his orders down to about $25 to $50 because "Well, if we have to scam we have got to have small bills because the creditors won't come after us on a scam for small bills, but they would for big ones."

In early November 1962, Robert Wolcoff and John Lorusso came to Catalog where Lorusso was introduced to Hartman as Robert Wolcoff's partner in a company they were starting in Berwyn, Illinois, called Fiesta Warehouse Center (Fiesta). Bob Wolcoff asked for a list of suppliers who had supplied merchandise on credit to Catalog and to a business called "House of Carpets."

The word "scam" was used throughout the trial. One of the defendants explained that "scam" was the ordering of merchandise on credit and not paying for it, and thereafter going into phoney bankruptcy to beat the creditors out of the purchase price of the goods ordered.

Shortly after a move to Fiesta from Catalog, a meeting of all of the defendants was called. Each was assigned certain duties. Burton and Robert Wolcoff were to oversee all orders but would remain in the background. Burton explained that he and his brother Robert had just scammed a company called "House of Carpets" and because many salesmen would know them, they could not show themselves at Fiesta.

As credit manager, Burton Wolcoff used the name Burt Reynolds. At the first meeting of Fiesta, Burton explained to the others that they had to pay off certain

creditors such as General Electric and other major appliance people, so that they could use them for credit references. However, he explained that with smaller companies the procedure would be to buy small quantities of merchandise, pay for them, then immediately reorder twice the amount previously purchased, and also to endeavor to get in a third order before the end of the month billing became due. Burton told them that cash received would be siphoned out of the bank account under fictitious names, supposedly for labor and other expenses. In one instance, a check of $5,000 was made payable to Hartman's father which Hartman endorsed. The proceeds went to Burton.

Without describing further details of the plan, it suffices to say that the evidence clearly showed that all of the defendants engaged in the conspiracy, were involved with the transfer and concealment of bankrupt property, and with the use of the mails to defraud. The only questions for our consideration are the various claims of error.

Perhaps the principal argument of the defendants is based on the order of the District Court granting the Government's motion to sever the case as to defendant Hartman on the ground that Hartman would be a government witness. The other defendants objected and entered motions for a mistrial and a postponement. Later, a renewed motion for a continuance was made by the other defendants. All these motions were denied. No hearing was requested; the motions were not renewed after Hartman took the stand. No additional motions were made.

The trial court ruled that an inquiry would be held "If it appears during the trial of this case, that you have been seriously prejudiced. . . ." No further inquiry was

made. However, Hartman, on cross examination, testified he had decided some months earlier that he would testify for the Government. Apparently he told his attorney that he had had conferences with representatives of the Government. Defendants now argue that prejudice could not be shown by them without the holding of a hearing.

In support of the motions for a mistrial and for a continuance, counsel for defendants argued to the Court that the attorney for Hartman, shortly before the trial started, had participated in a conversation among all of defense counsel in which strategy was discussed, and that Hartman's counsel, at that time, knew that an application would be made to the Court to sever Hartman so that he could become a government witness.

Hartman's counsel stated to the court that neither trial strategy nor trial tactics had been discussed. Furthermore, it was conceded that Hartman was not present at the meeting, and that no contact was made between Hartman's counsel and the Government or Hartman. It further appeared that the only post-indictment conversation between Hartman and the other defendants or their attorneys was a telephone call between Hartman and Burton Wolcoff which did not concern the instant case.

No objection was made to the testimony of the witness Hartman. It seems clear the Government did not intrude upon any constitutionally protected area. *Hoffa* v. *United States,* 385 U.S. 293, 304-309.

We hold that the several defendants were not denied the effective assistance of counsel by reason of the order of the Court severing Morton Hartman as a party defendant, and the failure to hold a formal hearing. We do not think that *Caldwell* v. *United States,* D.C.Cir., 205

F.2d 879, and *Coplon* v. *United States,* D.C.Cir., 191 F.2d 749, cert. den. 342 U.S. 926, are pertinent to the facts which exist in this case.

Defendants insist that cross examination of the witness Hartman was prejudicially restricted. On cross examination, Hartman testified that he had not been promised anything to testify in this case; that no promises of any kind had been made to him, and that he had no animosity toward any of the defendants. He was asked if he wanted to share the blame with all the defendants, and he replied that it was not a matter of sharing the blame, that he was guilty. Some other questions were asked to which the Court properly sustained objections such as "You are deadly afraid, are you not, of the penalty that might be imposed upon you in consequence of this indictment?"

Hartman's statement that his life had been threatened did not come out on direct examination. It was brought out on cross examination that he had not testified truthfully to the FBI agents in November 1963 allegedly because his life had been threatened by defendant Pat Manning. Upon motion, this answer was stricken and the jury was instructed to disregard the answer.

We hold there was no prejudicial error due to any restriction in the cross examination of the witness Hartman.

Defendants argue the use of the word "scam" was imporper insofar as it related to the activities of the Wolcoff brothers in the company called "House of Carpets." If nothing else, this testimony established a continuing course of conduct by defendants Lorusso and Robert Wolcoff. It was also proper to show that the

Wolcoffs used assumed names to conceal their true identities from suppliers who knew them from previous scams. *United States* v. *Wall*, 7 Cir., 225 F.2d 905, 907, cert. den. 350 U.S. 935.

Error was claimed because Hartman was permitted to testify regarding the refusal of a co-defendant to answer questions of an FBI agent as to operation of Fiesta. We hold there was no error in this respect. We also hold that the trial court did not err in instructing the jury and in refusing to instruct as requested by the defense.

A number of additional claims of error are made by defendants. We have considered each of them. We do not think they merit individual discussion. We hold there was no prejudicial error in this respect.

The judgment of conviction as to each of the defendants is

AFFIRMED.

A true Copy:
Teste:

Clerk of the United States Court of Appeals for the Seventh Circuit.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
Chicago, Illinois 60604

Friday, June 2, 1967

BEFORE
Honorable F. RYAN DUFFY, *Senior Circuit Judge*
Honorable ROGER J. KILEY, *Circuit Judge*
Honorable THOMAS E. FAIRCHILD, *Circuit Judge*

Nos. 15742, 15744, 15745
UNITED STATES OF AMERICA,
Plaintiff-Appellee,

vs.

ROBERT WOLCOFF and SANFORD BURTON WOLCOFF, PAT MANNO, LARRY FREEDMAN,
Defendants-Appellants.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

This cause came on to be heard on the transcript of the record from the United States District Court for the Northern District of Illinois, Eastern Division, and was argued by counsel.

On consideration whereof, it is ordered and adjudged by this court that the judgment of conviction of the said District Court as to each of the defendants in ths cause appealed from be, and the same is hereby, Affirmed, in accordance with the opinion of this Court filed this day.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
Chicago, Illinois 60604

Wednesday, July 19, 1967

BEFORE
Honorable F. RYAN DUFFY, *Circuit Judge*
Honorable ROGER J. KILEY, *Circuit Judge*
Honorable THOMAS E. FAIRCHILD, *Circuit Judge*

Nos. 15742, 15744, 45
UNITED STATES OF AMERICA,
Plaintiff-Appellee,
vs.
ROBERT WOLCOFF and SANFORD BURTON WOLCOFF, et al.,
Defendants-Appellants.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

It Is Ordered by the Court that the petition for a rehearing of the above entitled causes be, and the same is hereby, DENIED.

IN THE

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NOS. 15742-45

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

-vs-

ROBERT WOLCOFF, et al.,

Defendants-Appellants.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

Honorable Bernard M. Decker, Judge Presiding

MOTION TO ISSUE ORDER AUTHORIZING TRIAL COURT TO TAKE EVIDENCE.

Now come the Defendants-Appellants, by their attorney, Anna R. Lavin, and move the court to issue its order authorizing the court below to take evidence during the pendency of this appeal on the following grounds:

1. These defendants-appellants are appealing to this court to review their convictions on charges of conspiracy, mail fraud, and bankruptcy fraud under the captioned numbers and title;

2. That during the course of the trial, one of their co-defendants indicted below, Donald Hartman, was severed for the purposes of trial so that he could be the principal government witness, and his testimony constituted the main evidence in this cause;

3. That it was the desire, and intent, of the defendants to call upon a former business associate of said witness, Hartman, to testify to said witness' bad reputation in matters of honesty and integrity, truth and veracity;

4. That to this end one of the defendants contacted the prospective witness, Hy Handwerker, in Los Angeles, California, told him his testimony was desired, and wired him transportation to come to Chicago for the purpose of testifying;

5. That almost immediately thereafter, Hy Handwerker received a telephone call from the prosecutor, under threats of arrest as an alternative, he went to Chicago at government expense, and became a virtual prisoner of the prosecution, all of which more clearly appears from the sworn testimony of Mr. Handwerker appearing as Exhibit 1 to this Motion;

6. That, on February 28, 1966, in the second week of trial, the prosecutor advised the court and defense counsel of the presence in Chicago of Mr. Handwerker, as more clearly appears from Exhibit 2, excerpts from the original record on that day;

7. That the discussion between the court and counsel adverted to at page 910 of the record, Exhibit 2, and noted as not having been stenographically written, was not recorded in any manner;

8. That counsel for the defendants-appellants on this appeal, contacted the Official Court Reporter, Mr. Robert J. Betz, and requested a writeup of said discussion, and was advised that no stenographic, stenotype, nor any type of recordation was made of the discussion or colloquy there adverted to;

9. That, thereupon, said counsel caused an inquiry to be made of defense trial counsel as to what occurred at that time, and the general consensus was that the prosecutor advised the court that the witness had been threatened; that the prosecutor advised the court that the witness did not wish to speak with defense counsel outside the presence of a representative of the government, and generally that the witness was hostile;

10. That the product of said investigation is corroborated by further statements made a part of the record, (See Exhibit 3); particularly that portion where the Court concluded "you cannot see him."

11. That said invtstigation revealed that defense counsel, accepting the representation that the witness had been threatened, that the witness refused to see them except in the presence of a government representative, that the witness was hostile, and that the witness would be uncooperative, elected not to investigate his value as a witness under the circumstances outlined;

12. That the sworn statement of Hy Handwerker, (Exhibit 1 to this Motion) demonstrates that the representation was not founded in fact;

13. That this information did not come to the attention of the defense until on or about February 10, 1967, almost two weeks after the filing of the appellants' brief herein;

14. That ordinarily counsel for the appellants understands that the proper procedure would be to move the lower court for the issuance of a certificate of the existence of newly discovered evidence sufficient to entertain a motion under Rule 60(b) of the Federal Rules of Civil Procedure, and to move this court to hold this case in abeyance pending the consideration of such a motion, so that the record on the motion could be brought up to be considered as part of this appeal;

15. That, however, counsel for these defendants-appellants know no procedure, after the filing of the Notice of Appeal, save by leave of this court, for a record to be made of the understanding of the participants to the off-the-record discussion adverted to at page 910 of the record and incorporated in Exhibit 2 attached to this motion;

16. That, if in fact, this prospective witness, Hy Handwerker, was made a virtual prisoner of the government, and the defense was wrongfully deprived of his testimony, it would appear that reversal of this cause must necessarily ensue. See *Gregory* v. *United States,* C.A.D.C., 369 F.2d 185.

That, because of the foregoing, it is respectfully submitted that this court enter its order granting to the trial court authority to take evidence to supplement the portion of the record not reported, and to issue its certificate as aforesaid or to deny a motion for such certificate, and, thus, to consider these matters in connection with the appeal presently pending.

Anna R. Lavin
Anna R. Lavin,
Attorney for Defendants-Appellants.

State of Illinois
County of Cook—ss.

AFFIDAVIT.

Anna R. Lavin, being on oath first duly sworn, deposes and says that she is the attorney for the defendants-appellants herein, and that the matters and things set forth in the foregoing Motion are true to her best knowledge and belief.

Anna R. Lavin
Anna R. Lavin

Subscribed and Sworn to
btfore me this 1st day
of March, 1967.
Patricia L. (Hahne) Wall
Notary Public

EXHIBIT I

The following is a statement made by Hy Handwerker, under oath, concerning his being called as a witness in a criminal case involving Burt and Robert Wolcoff and other persons unknown to Hy Handwerker.

The following proceedings were taken down in shorthand by Judith A. Kriescher, Notary Public, at 10 South LaSalle, Suite 1400, at 4:15 p.m., on the 11th day of February, A.D. 1967.

* * * * *

Mr. Handwerker: My name is Hy, H-y, Handwerker, H-a-n-d-w-e-r-k-e-r.

Prior to December 1966 I resided in Los Angeles, California. I was a former partner to a Donald Hartman in a business called the Sizzle Platter, a steakhouse.

During the month of March 1966, approximately the middle of March, while being in my place of business, I had received a call from a party named Burt.

I did not know at that instant the "Burt" on the other end of the line.

This was on a Saturday night, approximately 7:00 or 7:30 California time. It was also during the flu epidemic in California.

My partner, Donald Hartman, was in Chicago on a case which he was involved in.

Because of the epidemic and a shortage of help, Donald Hartman's wife was helping me out when the call came in from Chicago. As a matter of fact, she was standing right alongside of me.

When the party on the other end mentioned Burt, I didn't know the Burt he was referring to until he mentioned Le Bistro. And with that amazement, I mentioned out loud, "Burt Wolcoff. What's the call? How come?" The conversation was as follows:

"Hy, I want you to do something for me."

I answered, "What is it you want me to do?"

Burt, on the other end of the phone answered, "I want you to come to Chicago and testify in my behalf in the case that I am involved in."

My answer was, "Burt, I know absolutely nothing about the case. I have absolutely no idea of what is going on. Besides, I don't want to become involved and, also, if you want me to testify in your behalf, I will be testifying against my partner, Donald Hartman, which I think is wrong. Ir-

regardless of whether you are right or Donald Hartman being right, I still don't want to become involved."

The conversation went on, possibly, for about two minutes, which, in turn, he says:

"Hy, I want to give you another phone number. Call me from an outside phone."

Which, I did. I walked around the corner to a booth phone. I called that number collect, the number that he had given me.

Burt Wolcoff answered the phone. He went on with the very same conversation, asking me to come to Chicago.

After several more minutes of conversation I consented to leaving the following morning for Chicago.

Burt Wolcoff mentioned he would wire Western Union money for me for transportation.

With that I hung up. I went back to the restaurant. And immediately upon entering the restaurant, Toby Hartman, Donald Hartman's wife, questioned me as to the reason I received a telephone call from Burt Wolcoff. I answered her as follows:

"Burt asked me to come to Chicago to testify in his behalf."

She asked me, "Are you going to?"

I says, "Yes, I think so."

Well, she looked at me with a frown and said, "Are you going to testify against your partner, Don?"

My answer was: "I am going to Chicago" and admitted that I know absolutely nothing about the case; so, therefore, there is nothing that I can possibly do to discredit Don Hartman.

With that she walked away in disgust, and approximately thirty minutes later she told me she was going home and that she would see me tomorrow.

Approximately a quarter of nine, the same evening, I received a call from Toby Hartman, asking me to bring two half pints of milk for the baby, that she had forgotten them when she had left—would I drop it off at the house on the way home. I agreed.

Upon arriving at Toby Hartman's apartment, she asked me if I would care to have a drink, which I agreed to have. Within minutes afterwards the telephone rang. Toby answered the phone.

Judging from the conversation, I had assumed it was Don Hartman, which later I found out it was.

Don Hartman asked Toby to put me on the phone, which I proceeded to do. The conversation with Don Hartman was as follows:

"Hy, I understand you had a call from Burt Wolcoff in Chicago."

I said, "Yes."

With that he said, "Hold on, somebody wants to talk to you."

And with that another party got on the phone who introduced himself as Mr. Mollenoff, the U.S. Attorney for the Government's prosecution.

He says, "Mr. Handwerker?"

I said, "Yes."

"I understand you received a call from Chicago from a Mr. Burt Wolcoff."

I said, "Yes."

He asked me, "Are you going to Chicago?"

I answered, "I think so."

The conversation continued with, "Were you threatened?"

I said, "Absolutely not." I also responded, "I'd rather not go at all and not become involved in something that was absolutely foreign to me, something that I had no knowledge of."

And again he mentioned, "You mean to tell me that these people said, 'Please, will you come?' It's not like these people to talk that way. Now, you were threatened, weren't you?"

Again I repeated, "I was not threatened by anybody."

"Who was the other person other than Burt Wolcoff on the phone talking to you?"

I said, "There was no other person."

He says, "I don't believe you. I know there was another person on the phone."

My reply to that was, "It's another line that I called from. It's very possible that the voice may have sounded like another person, but it was only Burt Wolcoff."

The conversation went back and forth for at least fifteen or twenty minutes, where finally Mr. Mollenoff, with disgust, replied:

"Mr. Handwerker, I am tired of pampering you and asking you to come as a Government witness."

He kept asking me during the course of the conversation to come as a Government witness. I continuously refused until finally he, Mr. Mollenoff, said:

"Mr. Handwerker, I am tired of pampering you. If you don't come on your own will, I will have a Government agent at your apartment within the hour and force you to come to Chicago and have you brought back to Chicago under guard with a warrant and have you escorted back to Chicago."

There was a pause. I tried to get my senses together, realizing that I am in business in a strange state, California. Not wanting to become involved with the government or police in California, I thought it best to consent to going, rather than being harassed and arrested.

Mr. Mollenoff told me to stay where I'm at, at Donald Hartman's home, and he'd call back within the hour to make arrangements to have me transported back to Chicago, which I did.

I stayed until I got another call from Mr. Mollenoff. He told me there would be a ticket in my name at Continental Airline ticket office at the Los Angeles Airport and to be sure and be there between 8:00 and 8:30 Sunday morning, the following morning.

I did that; I arrived at the airport between the hour of 8:00 and 8:30, where a ticket, a one-way ticket was made out in my name.

And with that I got on the plane by myself and arrived in Chicago that very same morning.

Upon leaving the plane, I noticed three men standing there, which I thought were Government men. They approached me as I was walking into the depot and they asked me, "Are you Mr. Handwerker?"

I said, "Yes."

With that they said, "Come with us."

They introduced themselves to me. One was a Mr. Garbinski, a Mr. Davidson, and a Mr. Mollenoff.

Mr. Garbinski was in back of me and Mr. Mollenoff on one side of me and Mr. Davidson on the other side of me.

With that we proceeded to walk to a car which was parked immediately outside of the depot, the Continental depot. I got in the back with Mr. Mollenoff. Mr. Davidson sat in the front seat, and Mr. Garbinski drove the car.

We proceeded directly to the Federal Building in downtown Chicago. We went up to the U.S. Attorney's office. We entered a small office and was asked to sit down.

I met Mr. Donald Hartman there who was there waiting for us, and then Mr. Mollenoff proceeded in asking me questions.

As I recall, some of the questions were as follows: How long do I know Burt and Bobby Wolcoff? Have I ever been involved in any business transactions with them?

The answer was negative. I knew them as former customers of mine. I never associated with them socially. I never had any business dealings with them and I knew them only with acknowledging their presence by saying "Hello" and "How are you?" And, that was the extent of our conversation as far as relationship is concerned.

They asked me if I knew anything of the Fiesta case. At that time I didn't even know the case was called "Fiesta." This was all foreign to me.

They asked me, also, if I was threatened in coming to Chicago. Again the answer was negative, I was not threatened by anybody, I was going to go on my volition.

After a few more questions, which escaped my mind at present, they asked me would I sign a statement to what answers I had already given?

I said, "Yes, I'm willing to do that."

With that they gave me several large sheets of paper and I wrote down the facts as I recalled them and signed it with my name, Hy Handwerker; and I gave it to them.

I do not have a copy of that statement, but am sure it must be in the U.S. Attorney's office.

The meeting took approximately a half hour to forty-five minutes.

After the meeting concluded they took me to the Palmer House—Mr. Mollenoff, Mr. Davidson, and Mr. Garbinski and Mr. Hartman. We walked to the Palmer House, and they took me to my room.

I was instructed by Mr. Garbinski, Mr. Mollenoff, and Mr. Davidson not to leave the room under any condition without being escorted by one or more of the above-mentioned names.

I was told that any calls I might make out of my room by Don Hartman—that it would, the phone calls would be monitored or recorded and, so, to be careful who I called and what I said on the phone.

I remained in that room for five days and nights except for approximately three different occasions whereby I went to the Federal Building with Mr. Garbinski on the premise that I may be called to the stand by the defense.

I remained in the office of the U.S. Attorney until I was returned again to my room at the Palmer House by Mr. Garbinski.

Mr. Garbinski, the Federal agent, resided at the very next room to mine at the Palmer House. He would periodically knock on the door and ask if everything was all right and, at times, come in.

My meals were all gotten or served by room service by my calling room service, upon which all meals I had were consumed in my room.

On the following Friday, which was five days after my arrival, I was released and sent back to California.

The Government paid for my fare and for the hotel bills.

Now that I am again residing in Chicago, and having been contacted by Mr. Art Nasser, I have been led to believe that the only reason for wanting me to come to Chicago originally was to testify relating to Mr. Hartman's character, and nothing else.

This I have consented to do should I be called to do so; and had I been contacted by the defense at the trial, I would gladly have consented to appear on the stand with whatever questioning the defense may have put to me.

This statement is made voluntarily, under no duress or threat by anyone.

Signed by *Hy Handwerker*
Hy Handwerker

EXHIBIT 2.

The Clerk: 65 CR 285, the United States of America v. Robert Wolcoff, et al.; case on trial.

(Whereupon the following further proceedings were had herein, in open court, outside the presence and the hearing of the jury, as follows:)

Mr. Molenof: May we approach the bench in a statement that I would like to make for the record here?

The Court: Yes.

Mr. Molenof: I would rather not do it in open court.

The Court: Well, you are doing it in open court.

Mr. Molenof: I would rather not do it in open court for reasons that will be obvious.

The Court: All right. Step over here.

(Whereupon there was a discussion between the court and counsel, not stenographically written and made a part of this record.)

The Court: All right. Let's get this on the record.

Mr. Molenof: May it please the Court, we have a witness under subpoena from Los Angeles by the name of Hye Handwerker; we may use this witness and we may not use this witness. It all depends upon the circumstances.

However, your Honor, we do have reliable information that this witness was contacted by Burton Wolcoff in behalf of his defense with a view to developing a defense in his behalf.

Now, inasmuch as some effort has been made in that direction we will go on record now as saying that we will make this witness available to the defense at any time

they want to talk to him for whatever purpose they want to talk to him concerning; however, if at the conclusion of this case there has been no effort to talk to him or an expression of desire for the purpose of developing him as a witness, we will ask the court to release him at that time.

Mr. Nasser: Your Honor, I understood that this gentleman was to come in and he might be called.

Now, your Honor—that is, he might be called as a witness on behalf of the Wolcoffs, and, as a matter of fact, all of the defendants here. I would call him specifically on behalf of the Wolcoffs. I have not talked to this man.

Mr. Lewis: Well, I have no idea as to who this man is and I am not going to call him—I am not calling anybody unless I know something about him.

Mr. Nasser: Well, specifically on behalf of the Wolcoffs, I have not talked to the man, I have not seen him, I don't know what he can testify to, if anything, at this point, but we may call him as a witness.

Mr. Molenof: Well, I am asking that statement for this purpose, sir, inasmuch as an attempt has been made to contact him for a specific purpose. I don't think that he would be available to any of the defendants at this time and so I just wanted to make the announcement that we will make him available.

The Court: All right.

Mr. Wyman: I don't understand what he is talking about.

Mr. Molenof: I think that you do, sir.

Mr. Wyman: No. No, I do not.

Mr. Molenof: I think you do.

Mr. Nasser: I don't, either.

Mr. Molenof: I think you do.

Mr. Nasser: I don't have any idea what you are talking about, Mr. Molenof.

Mr. Molenof: Well—

Mr. Wyman: Well, neither do I.

The Court: Well, now, let's continue with the trial. Bring in the jury.

Mr. Davidson: Your Honor, these are the 3500 statements for today.

The Court: Yes.

Mr. Nasser: Your Honor, I would like the record clearly to show that I have not talked to this man, I don't know what he can testify to, I don't know if he is even going to be a witness in this case. I was told that he could possibly be a witness and he could possibly testify.

Mr. Molenof: I am not making any suggestions—

Mr. Nasser: Well, you certainly have, sir.

Mr. Molenof: Well, I retract that statement; your client does.

EXHIBIT 3.

Do you want to recess now?

Mr. Lewis: If Your Honor pleases.

The Court: All right. We will take a ten minute recess, and then go on after that.

Mr. Lewis: Thank you.

The Court: Yes. Ten minute recess.

(Whereupon there was a recess taken in the hearing of the above-entitled cause, after which the following further proceedings were had herein, in open court, outside the presence and the hearing of the jury, to-wit:)

Mr. Nasser: Your Honor, with respect to Mr. Molenof's statement this morning concerning a witness named Hy Handwerker—is that his name?

Mr. Molenof: Hy Handwerker. Yes.

Mr. Nasser: (Continuing) I want the Court to know that Mr. Wolcoff, Mr. Burt Wolcoff, sent him a money order, a Western Union money order, for $150, yesterday, to come in to Chicago to determine if he would be a witness on behalf of the Wolcoffs; and I assume that whatever testimony he gave, or would give, would be with respect to all defendants, and I still am beside myself and I am very concerned about the inference that Mr. Molenof raised here.

I have never talked to this man; I have never seen this man.

The Court: Well, so far you have not—

Mr. Nasser: (Continuing) I have seen the man, but I have not seen him in maybe three, four years.

Mr. Molenof: The Government does not desire to make any implication insofar as Mr. Nasser is concerned. As far as the witness is concerned—

The Court: I understood you to say that with respect to Mr. Wolcoff.

Mr. Molenof: That is right.

Mr. Nasser: Yes.

Mr. Molenof: Insofar as we are concerned, we brought him here at our expense, and I suggest that they get their money back.

The Court: All right.

Mr. Nasser: And we cannot see him if we—until—

The Court: Oh, yes. You can see him, yes. He said that you had better get a refund.

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

UNITED STATES OF AMERICA, *Plaintiff-Appellee,* vs. ROBERT WOLCOFF, et al., *Defendants-Appellants.*	Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

Honorable Bernard M. Decker, Judge Presiding

NOTICE.

To: Honorable Edward V. Hanrahan
United States Attorney
United States Courthouse
Chicago, Illinois, 60604

Please Take Notice that I have on this day filed with the Clerk of the United States Court of Appeals for the Seventh Circuit, a Motion to Issue Order Authorizing Trial Court to Take Evidence, a copy of which Motion is herewith served upon you.

Anna R. Lavin

PROOF OF SERVICE.

State of Illinois
County of Cook—ss.

Janice S. Tipp, being first duly sworn on oath, deposes and says that each of the parties appearing on the attached Notice was served a copy of said document and copy of the

papers mentioned in said document as being attached thereto, by delivering to said addressees copies of said document and the papers accompanying it, by United States mail; that said copies of said document and accompanying papers were enclosed in sealed envelopes, properly addressed to said addressees, with sufficient United States postage affixed to the envelopes, and same were deposited in the receptacle for United States mail located in the Monadnock Building, 53 West Jackson Boulevard, in Chicago, Illinois on the 1st day of March, 1967.

Affiant

Notary Public

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

UNITED STATES OF AMERICA, *Plaintiff-Appellee,* vs. ROBERT WOLCOFF, et al., *Defendants-Appellants.*	Nos. 15742, 15744 and 15745

GOVERNMENT'S ANSWER TO DEFENDANTS' MOTION FOR HEARING BASED ON NEWLY-DISCOVERED EVIDENCE.

Defendants have filed a motion for the Court of Appeals to enter an order directing the District Court to conduct a hearing on the basis of newly discovered evidence or to consider this matter in connection with the pending appeal. The motion is so totally lacking in merit as to be considered frivolous.

The motion is based upon a statement under oath of a potential government witness, one Hy Handwerker. Handwerker was subpoenaed by the government in connection with the trial of this case. He was at no time subpoenaed by the defense, no effort was made by the defense to subpoena him; and, at the time he was subpoenaed by the government had not received any travel funds from the defense. On February 28, 1966 while the government was still presenting its case in chief, counsel for the government advised the court and defense counsel that Handwerker had been subpoenaed, that the government was aware that the defendant Sanford Burton Wolcoff had contacted Handwerker and that the government would "make this witness

available to the defense at any time they want to talk to him for what ever purpose they want to talk to him" (Tr. 911).

The defendants state that there was a discussion among the court, the defense counsel and counsel for the government which was not stenographically written or recorded (Tr. 910). It is alleged that counsel representing the defendants on this appeal contacted the trial defense counsel whose "recollection" was that the government at this unreported side bar conference represented that the witness Handwerker had been threatened, did not wish to speak to defense counsel without a government representative being present, and was hostile; and that accepting such statements as true, the defense subsequent to that discussion on February 28, 1966 chose not to investigate the value, if any, of Handwerker's testimony for the defense.

Defendants also cite the court's remarks on page 383 of the transcript. The statement is so obviously a typographical mistake that the government brought the matter to the attention of Robert J. Betz, Official Court Reporter, who, after reviewing the tape recording of that particular session, corrected the transcript to conform to what was, in fact, said. The official transcript now reads as follows:

> "Mr. Molenof: Insofar as we are concerned, we brought him here at our expense, and I suggest that they get their money back.
>
> "The Court: All right.
>
> "Mr. Nasser: And we cannot see him until—
>
> "The Court: Oh, yes. *You can see him, yes.* He said that you had better get a refund" (Tr. 983). (Emphasis added.)

The fact that the defendants could see Handwerker and *wanted* to see him after the aforementioned side bar dis-

cussion is evident from the transcript of the proceedings the next day, March 1, 1966.

"Mr. Nasser: Your Honor, may I ask the United States Attorney—and I will ask the United States Attorney's office—whether I can speak to this Mr. Hy—Mr. Hy Handwerker—may I ask to speak to him?

"Mr. Molenof: We are in this position, to this effect: I advised the potential witness that defense counsel might want to speak with him. He advised me that he did not want to speak with them.

"I suggested very strongly that he do so insofar as counsel was concerned. He has agreed to that. But he indicated to me that under no circumstances did he want to speak to anyone other than counsel representing these defendants.

"The Court: All right. It will be limited to counsel.

"Mr. Nasser: I didn't expect to take anybody with me insofar as the defendants are concerned.

"The Court: All right. All right.

"Mr. Molenoff: Well, I suggested one further thing—

"The Court: Can't you discuss this with him?

"Mr. Molenof: I just wanted to state here, because there may be a problem, that the potential witness indicated that he wanted to speak to him in our offices, somewhere.

"The Court: That's all right.

"Mr. Molenof: Fine" (Tr. 1086-1087).

At no time from March 1, 1966 to March 3, 1966 did Mr. Nasser, attorney for Robert Wolcoff and Sanford Burton Wolcoff, or any other defense counsel make any attempt to see the potential witness Handwerker. The government, however, believing such an interview would be conducted brought Handwerker to the courthouse on at least three occasions for this purpose (Handwerker's Statement, p. 10). On March 3, 1966, the following colloquy occurred:

"Mr. Molenof: There is a matter I would like to take up, sir. There is a matter of a witness that we discussed in open court for Monday of this week, witness Handwerker (sic) of California whom we indicated the defendant Wolcoff tried to contact with a view to have him brought here.

"Now, on Monday, we advised counsel that he would be available anytime they wanted to talk with him. We have had him available on the stand now. They have no further desire to contact him.

"We want to announce here now that we want to release him from our subpoena.

"The Court: You may.

"Mr. Nasser: We have no need to call him any longer, Your Honor.

"The Court: Yes, all right" (Tr. 1678-1679).

Thus the record clearly reflects the government released Handwerker from its subpoena without defense objection.

Defendants allege that it was their intent and desire to use Handwerker, who admittedly knew nothing about the facts of the case (Handwerker's Statement pp. 2, 3, 5 and 9), in order to impeach the character of the witness Hartman for truth and veracity. Note, however, that there is no mention of this alleged intent on the part of any defendant in the telephone calls between Burton Wolcoff and Handwerker and no mention of this whatsoever during all the colloquy concerning this individual. In addition, the record indicates that insofar as defense counsel were concerned, they either professed ignorance of the man or what he could testify to, if anything.

"Mr. Lewis: Well, I have no idea as to who this man is and I am not going to call him—I am not calling anybody unless I know something about him.

"Mr. Nasser: Well, specifically on behalf of the Wolcoffs, I have not talked to the man. I have not

seen him, don't know what he can testify to, if anything, at this point, but we may call him as a witness" (Tr. 912).

"Mr. Nasser: Your Honor, I would like the record clearly to show that I have not talked to this man, I don't know what he can testify to, I don't know if he is even going to be a witness in this case. I was told that he could possibly be a witness and he could possibly testify" (Tr. 913).

However, *assuming arguendo* that this is not an afterthought for the purpose of this motion but, as alleged, the sole and exclusive purpose for contacting Handwerker, the motion must necessarily fail. The grounds for a new trial based on newly discovered evidence were clearly set forth in *United States* v. *Marachowsky*, 213 F. 2d 235, 238 (7th Cir. 1954) *cert. den.* 345 U.S. 965, wherein the court stated at page 238:

"But, in *United States* v. *Johnson*, 7 Cir., 142 F. 2d 588, 592, where, as here, there has been no recantation or false swearing shown, this court followed the generally accepted rules for testing the sufficiency of motions for a new trial in criminal cases on the grounds of newly discovered evidence as said rules were stated in *Berry* v. *State of Georgia*, 10 Ga. 511 namely: '* * * 1st. That the evidence has come to his knowledge since the trial. 2d. That it was not owing to the want of due diligence that it did not come sooner. 3d. That it is so material that it would probably produce a different verdict, if the new trial was not granted. 4th. That it is not cumulative only—viz.:—speaking to facts, in relation to which there was evidence on the trial. 5th. That the affidavit of the witness himself should be produced or its absence accounted for. *And 6th, a new trial will not be granted, if the only object of the testimony is to impeach the character or credit of a witness.*" (Emphasis added.)

For other cases stating that newly discovered evidence cannot be merely impeaching, see *Mesarosh* v. *United States,* 352 U.S. 1, 10 (1956); *United States* v. *Lindsey,* 368 F. 2d 633, 636 (9th Cir. 1966).

In support of their position, the defendants cite *Gregory* v. *United States,* 369 F. 2d 185 (D.C. Cir. 1966) wherein the prosecutor advised potential witnesses that they should not talk to defense counsel except in his presence. This case has no application to the facts herein. Witness Handwerker makes no statement that he was so advised, and no such allegation is made by the defendants. The record clearly shows that it was the Government who urged Handwerker to be interviewed by defense counsel (Tr. 1086-1087); and it was the government who brought him over to the courthouse on at least three occasions to be interviewed by the defense (Handwerker's Statement p. 10).

Handwerker was made available to the defense even though subpoenaed by the government as a potential witness. The defense could have inquired of him as to the alleged statements of the government concerning his attitude towards the defense or as to any knowledge which he might have possessed which could have been profitable to the defense. The defense chose not to inquire and not as alleged, because of the unrecorded conference on February 28, 1966. And for almost one full year, the defense made no effort to contact this individual.

The defendants fail to meet almost all of the requirements for a new trial on the basis of newly discovered evidence as set forth in *Marachowsky,* and specifically the sixth requirement therein, that is, "a new trial will not be granted if the only object of the testimony is to impeach the character or credit of a witness."

The motion of the defendants is so utterly devoid of merit that the government respectfully submits that no order be directed to the District Court to conduct a hearing and that this matter not be considered with the pending appeal. The defendants cannot now make part of the record in the guise of newly discovered evidence that which they voluntarily and intentionally chose not to make of record before the District Court during the trial.

Respectfully submitted,

Edward V. Hanrahan
Edward V. Hanrahan
United States Attorney

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

Friday, March 17, 1967

Before
Hon. THOMAS E. FAIRCHILD, Circuit Judge

No. 15742, 15744, 15745
UNITED STATES OF AMERICA,
Plaintiff-Appellee,

vs.

ROBERT WOLCOFF and SANFORD BURTON WOLCOFF, ET AL.,
Defendants-Appellants.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

Defendants-appellants have moved for an order authorizing the district court to take evidence during the pendency of this appeal. The evidence desired relates to the contents of an off the record discussion among court and counsel during the trial, and it is suggested that such evidence might show that the government wrongfully deprived defendants of the testimony of one Handwerker. Upon consideration of the papers in support of and in opposition to the motion, the transcript shows affirmatively that government counsel made the prospective witness available for interview by defendants' trial counsel. The motion is therefore denied, without prejudice to renewal thereof by defendants at the time of argument upon the merits of the appeal.

DOCKET ENTRIES

2-21-66	On motion of Government, reverance is granted for defendant Martin Hartman from trial of co-defendants.—Decker, J Notices 2-23-66	sw
2-21-66	Cause called for trial. Following jurors selected and sworn: Robert M. Zollinger, Alfred E. Hasz, Rose L. Woods, John E. Groitsema, John F. Balicki, Beulah N. McClenney, Raymond A. Pysin, Genevieve A. Tucker, Marcella V. Kuyska, Charles L. Worofka, Frank Tarr, Maxine M. Johnson, Jurors Richard M. Biestek and Walter R. Oplatek sworn as alternate jurors. Opening statements made on behalf of Government, Defendant waives opening statements. Evidence heard in part on behalf of Government and cause continued to February 23, 1966 at 10 A.M. — Decker, J Notices 2-23-66	sw
2-23-66	Further evidence heard in part on behalf of Government and cause continued to February 24, 1966 at 10 A.M. Motion of Defendants for mistrial is denied. — Decker, J. Notices 2-24-66	sw
2-24-66	Further evidence heard in part on behalf of Government and cause continued to February 25, 1966 at 10 A.M. — Decker, J Notices 2-25-66	sw
2-25-66	Further evidence heard in part on behalf of Government and cause continued to February 28, 1966 at 10:00 A.M. — Decker, J Notices 2-28-66	sw

2-28-66 Further evidence heard in part on behalf of Government, and cause continued to March 1, 1966 at 10 A.M. — Decker, J
Notices 3-1-66 sw

3-1-66 Further evidence heard on behalf of Government in part and continued to March 2, 1966 at 10 A.M. — Decker, J
Notices 3-2-66 sw

3-2-66 Government rests. Evidence heard on behalf of defendant Larusso. Evidence heard in part on behalf of Defendants Wolcoff and cause continued to March 3, 1966 at 10 A.M. — Decker, J.
Notices 3-3-66 sw

3-3-66 Evidence heard on behalf of Defendant Friedman. Defendants rest. Cause continued to March 4, 1966 at 10 A.M. Motions for Judgment of acquittal and for directed verdict as to all Defendants heard and denied. — Decker, J.
Notices 3-4-66 sw

3-4-66 Final arguments heard. Cause continued to March 7, 1966 at 10 A.M. — Decker, J
Notices 3-7-66 sw

3-7-66 Filed Refused Jury instructions

3-7-66 Filed Given Instructions. sw

3-7-66 Order directing United States Marshal to provide lunch for twelve Jurors and one deputy Marshal — Decker, J
Notices 3-8-66 (Copy to Marshal) sw

3-7-66 Court instructs the Jury. Marshal sworn. Alternate jurors excused and Jury retires to consider their verdict. — Decker, J

3-7-66 Filed Verdict.

3-7-66 Jury returns the following verdict: "We, the Jury, find each of the Defendants guilty as to all counts of the Indictment." Cause referred to Probation Office for Pre-sentence Investigation and continued to March 29, 1966 at 10 A.M. for disposition. Defendants to remain on present bonds and Defendants given ten days to file Motions. — Decker, J
Notices 3-8-66 sw

3-10-66 Filed notice of motion to reset date of sentencing.

3-10-66 On motion of United States, order date of sentencing reset from March 29, 1966 to March 25, 1966 at 10 A.M. — Decker, J
Notices 3-11-66 sw

3-11-66 Filed motion for new trial.

3-11-66 Filed motion in arrest of Judgment (To BMD) sw

2-17-66 Filed Seven (7) Subpoenas Duces Tecum returned executed — Fees Not Paid. r

2-21-66 Filed Subpoena to Anthony Kaminski returned unexecuted — Not Found. r

2-24-66 Filed Subpoena Duces Tecum to Elbert A. Wagner, Jr., returned copy delivered to Eugene Colko, Deputy Clerk. r

2-24-66 Filed Subpoena Duces Tecum to Paul Skala returned served. $4.00r

2-25-66 Filed Subpoena Duces Tecum returned served as to Thomas McDonnell. r

3-3-66 Filed Subpoena to Hy Handwerker returned served r

3-10-66 Filed Subpoena Duces Tecum returned to Mr. David Gish returned unexecuted — Not Found. r

3-16-66 Filed Joint Motion for new trial (to BMD)

3-16-66 Filed Joint Motion in arrest of judgment

3-16-66 Filed Joint motion for judgment of acquittal ho

3-23-66 Filed Government's answer to Post-trial motions of Defendants (To BMD) sw

3-25-66 Joint post-trial motions of Defendants Wolcoff, Larusso, and Manno are hereby denied. Post trial motions of Defendant Freedman are hereby denied. — Decker, J
Notices 3-28-66 sw

3-25-66 Defendant Freedman appears with counsel. Imposition of Sentence suspended and Defendant Freedman placed on Probation for a period of three (3) years with condition that Defendant be confined in jail type institution for first ninety (90) days. Execution stayed for two (2) weeks. Appeal bond set in amount of $3,500.00. (DRAFT) Decker, J.
Notices 3-28-66 sw (JS 3—Freedman)

3-25-66 Defendant appears with Counsel. Defendant Pat Manno committed to custody of attorney General for a period of two (2) years on each Count, said sentences to run concurrently as to each count. Appeal bond set in amount of $3,500.00. (DRAFT) — Decker, J
Notices 3-28-66 sw (JS 3 —Manno)

3-25-66 Defendants appear with Counsel. Defendant Robert Wolcoff committed to custody of Attorney General for a period of five (5) years on each Count, said sentence to run concurrently as to each count. Apeal bond set in sum of $10,000.00. (DRAFT). (JS-3 Robert Wolcoff) Defendant Sanford Wolcoff committed to custody of Attorney General for a period of five; (5) years on each count, said sentence to run concurrently as to each Count. Appeal bond set in sum of $10,000.00.
(DRAFT)— (JS 3—Sanford Wolcoff)
Defendant John Larusso committed to custody of Attorney General for a period of five (5) years on each Count, said sentences to run concurrently as to each Count. Appea. bond set in sum of $10,000.00. (DRAFT) — Decker, J.
Notices 3-28-66 (JS 3 — Larusso)

3-25-66 Filed Appeal Bond for $10,000.00 — John Lorusso (Prudence Casualty)

3-25-66 Filed Appeal Bond for $10,000.00 — Burt Reynolds a/k/a Burt Wolcoff

3-25-66 Filed Appeal Bond for $10,000.00 — Robert Wolcoff

3-25-66 Filed Appeal Bond for $3,500.00 — Pat Manno
SW

3-29-66 Filed Notice of appeal by defendants Robert Wolcoff and Sanford Burton Wolcoff

3-29-66 Mailed copy of notice of appeal to U. S. Attorney, U.S. Marshal, U.S. Probation Office, and copy with copy of the docket entries to U.S.C.A. 7th Circuit B

3-29-66 Issued 2 certified copies of Commitment to U.S. Marshal—Robert Wolcoff

3-29-66 Issued 2 certified copies of Commitment to U.S. Marshal—Sanford Wolcoff

3-29-66 Issued 2 certified copies of Commitment to U.S. Marshal—Pat Manno

3-29-66 Issued 2 certified copies of Commitment to U.S. Marshal—John Lorusso

3-29-66 Issued 2 certified copies of Commitment to U.S. Marshal and 2 certified copies of Commitment to Probation Dept.—Larry Freedman

4/1/66 Filed notice of appeal by defendant Pat Manno $5.00p
Mailed copy of notice of appeal to U.S. Atty., U.S. Marshal, U.S. Probation Office and copy with copy (certified) of docket entries to U.S. C.A., 7th Cir. $5.00p

4/1/66 Filed notice of appeal by defendant John Lorusso $5.00p
Mailed copy of notice of appeal to U.S. Attorney, U.S. Marshal, U.S. Probation Office and copy with certified copy of docket entries to U.S. C.A., 7th Cir. $5.00p

4/1/66 Filed notice of appeal by defendant Larry Freedman $5.00p
Mailed copy of notice of appeal to U.S. Attorney, U.S. Marshal, U.S. Probation Office and copy with certified copy of docket entries to U.S.C.A., 7th Cir.

4-1-66 Defendant Patrick Manning given leave to travel within the continental limits of the United States while on present Appeal Bond.—Decker, J
Notices 4-4-66 sw.

4-5-66 Filed motion for extension of time in which to commence serving sentence (for Larry Freedman)

4-5-66 Execution of sentence as to defendant Larry Freedman stayed until April 25, 1966. (Draft) Defendant's bond to stand.—Austin, J
Notices 4-6-66 sw

4-6-66 Issued Motion slip and order to U.S. Marshal. sw

4-15-66 Leave to Defendant (Robert Wolcoff) to travel anywhere within the continental limits of the United States.—Austin, J
Notices 4-18-66 sw

4-20-66 Filed Statement of appellee pursuant to Rule 12(d) U.S.C.A., 7th. Circuit. B

4-25-66 Filed Appeal bond for Larry Freedman for $3,500.00 (Prudence Casualty) sw
Notice to Marshal 4-26-66

5-5-66 Filed Motion to extend time to docket record on appeal

5-5-66 Motion to extend time for docketing and filing record on appeal to June 17, 1966 granted—Perry, J.
Mailed Notice 5-5-66 B

6/9/66 Filed stipulation for diminution of record pursuant to Rule 12(e) U.S.C.A., 7th Cir. G

6/16/66 Certified and transmitted record on appeal to U.S.C.A., 7th Cir. G $8.75pd

6/20/66 Filed certified copy of order entered June 17, 1966 by the U.S.C.A., 7th Cir. extending time for filing transcript of trial proceedings to and including July 8, 1966. (Issued copy to Court Reporter) G

6-29-66 Filed Mandate of U. S. C. A.—DISMISSING appeal of John Lorusso (Marshal notified) ho

7-11-66 Clerk's file copy of transcript of proceedings had before the Honorable Bernard M. Decker, Judge commencing February 21, 1966 and concluding March 7, 1966 filed by the Official Court Reporter—2 vols.

7-11-66 Certified and transmitted to U.S.C.A., for the Seventh Circuit 2 vols. of trans. of pro. in supplement to record on appeal, pursuant to C.A. order of 6-17-66 B

7-14-66 Filed Commitment returned executed from Terre Haute, Ind.— John Lorusso sw

9/14/66 Certified and transmitted exhibits to U.S. Court of Appeals (7 boxes of Government exhibits and 1 folder of defendant Lorusso's exhibits). G

12-27-66 Leave to Burton Wolcoff to depart jurisdiction to Miami, Florida on January 3, 1967 for a period of time not to exceed three (3) weeks from departure date of January 3, 1967, granted.—Decker, J.

3-8-67	Mailed Notices 12-28-66	sw
3-8-67	Filed Notice of motion Defendant Wolcoff to depart jurisdiction	
3-8-67	Leave given Defendant Robert Wolcoff to depart jurisdiction to Puerto Rico until March 12, 1967—Decker, J Mailed Notices 3-9-67	sw
4-3-67	Filed notice of motion for leave of defendant Sanford Wolcoff to depart the jurisdiction of this Court to Las Vegas, Nev.	sw
4-3-67	Enter order, motion of defendant Sanford Burton Wolcoff for leave to depart the jurisdiction of this Court to Las Vegas, Nevada for a period of one weeks is granted.—Napoli, J Mailed Notices 4-4-67	sw
4-5-67	Motion of Government to correct transcript continued to May 1, 1967.—DECKER, J. MAILED NOTICE 4-6-67	r
5-1-67	Filed Stipulation	
5-1-67	On stipulation of the parties, order correcting Transcript of Proceedings—DRAFT—Decker, J. Mailed notices 5-1-67	
5-1-67	Mailed 1 certified copy of order to Robt Betz, Ct. Reporter	ho